



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,787	01/17/2001	Julie A. Schwartz	048772-0401	7187
30542 7590 11/13/2008 FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278				
EXAMINER NGUYEN, TAN D				
ART UNIT		PAPER NUMBER		
3689				
MAIL DATE		DELIVERY MODE		
11/13/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09764787	1/17/2001	SCHWARTZ ET AL.	048772-0401

FOLEY & LARDNER LLP  
P.O. BOX 80278  
SAN DIEGO, CA 92138-0278

**EXAMINER**

Tan Dean D. Nguyen

ART UNIT	PAPER
----------	-------

3689 20081107

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The Appellant's Reply Brief filed 12/10/2007 with arguments in response to the Examiner's Answer of 10/09/2007 are noted, however, they are merely appellant's opinions or subjective responses and are not persuasive and these issues are fairly addressed in the Examiner's Answer. No new Examiner's Answer is submitted, and the case with the previous Examiner's Answer is forwarded to the BPAI.

/Tan Dean D. Nguyen/  
Primary Examiner, Art Unit 3689